



# Clackmannanshire Council

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**Kilncraigs, Alloa, Scotland, FK10 1EB (Tel.01259-450000)**

## **Meeting of Clackmannanshire Council**

**Thursday 13 April 2017 at 10.00 am.**

**Venue: Council Chamber, Kilncraigs,  
Greenside Street, Alloa, FK10 1EB**

Date	Time
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# Clackmannanshire Council

There are 32 Unitary Councils in Scotland. Clackmannanshire Council is the smallest mainland Council. Eighteen Councillors are elected to represent the views of the residents and businesses in Clackmannanshire. The Council has approved Standing Orders that detail the way the Council operates. Decisions are approved at the monthly meetings of the full Council and at Committee Meetings.

The Council is responsible for approving a staffing structure for the proper discharge of its functions, approving new policies or changes in policy, community planning and corporate governance including standards of conduct.

The Council has further responsibility for the approval of budgets for capital and revenue expenditure, it also has power to make, alter or cancel any scheme made under statute and to make, alter or cancel any orders, rules, regulations or bye-laws and to make compulsory purchase orders. The Council also determines the level of Council Tax and approves recommendations relating to strategic economic development.

Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.

Details of all of our Council and Committee dates and agenda items are published on our website at [www.clacksweb.org.uk](http://www.clacksweb.org.uk)

If you require further information about Council or Committee meetings, please contact Committee Services by e-mail at [customerservice@clacks.gov.uk](mailto:customerservice@clacks.gov.uk) or by telephone on 01259 452106 or 452004.

**5 April 2017**

**A MEETING of the CLACKMANNANSHIRE COUNCIL will be held within the Council Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on THURSDAY 13 APRIL 2017 at 10.00 am.**

**ELAINE McPHERSON  
Chief Executive**

**B U S I N E S S**

	<b>Page No.</b>
1. Apologies	--
2. Declaration of Interests Elected Members are reminded of their obligation to declare any financial or non-financial interest which they may have in any item on this agenda in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Services Officer.	--
3. Confirm Minutes of Meetings – Clackmannanshire Council (Copies herewith)	
(i) Minutes of meeting held on 9 March 2017	07
(ii) Minutes of special meeting (1) held on 27 March 2017	15
(iii) Minutes of special meeting (2) held on 27 March 2017	21
4. Committee Meetings Convened Since the Previous Council Meeting on 09/03/17 ( <i>For information only</i> )	--
• Audit and Finance Committee on 16 March 2017	
• Clackmannanshire Licensing Board on 28 March 2017	
5. Committee Recommendations Referred to Council – report by the Chief Executive (Copy herewith)	25

**EXEMPT INFORMATION/**

## **EXEMPT INFORMATION**

It is considered that the undernoted report be treated as exempt from the Council's general policy of disclosure of all papers by virtue of Schedule 7A, Part 1, Paragraph 12 of the Local Government (Scotland) Act 1973. It is anticipated (although this is not certain) that the Council will resolve to exclude the press and public during consideration of this item.

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6. Arbitration Award - report by the Head of Resources and Governance (Copy herewith)	27

## Clackmannanshire Council – Councillors and Wards

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### Councillors

### Wards

Councillor	George Matchett, QPM	1	Clackmannanshire West	LAB
Councillor	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	Les Sharp	1	Clackmannanshire West	SNP
Councillor	Jim Stalker	1	Clackmannanshire West	LAB
Councillor	Donald Balsillie	2	Clackmannanshire North	SNP
Councillor	Archie Drummond	2	Clackmannanshire North	SNP
Councillor	Walter McAdam, MBE	2	Clackmannanshire North	SNP
Councillor	Bobby McGill	2	Clackmannanshire North	LAB
Councillor	Derek Stewart	3	Clackmannanshire Central	LAB
Councillor	Graham Watt	3	Clackmannanshire Central	LAB
Provost	Gary Womersley	3	Clackmannanshire Central	SNP
Councillor	Janet Cadenhead	4	Clackmannanshire South	LAB
Councillor	Kenneth Earle	4	Clackmannanshire South	LAB
Councillor	Ellen Forson	4	Clackmannanshire South	SNP
Councillor	Craig Holden	4	Clackmannanshire South	SNP
Councillor	Alastair Campbell	5	Clackmannanshire East	CONS
Councillor	Irene Hamilton	5	Clackmannanshire East	SNP
Councillor	Kathleen Martin	5	Clackmannanshire East	LAB

### Appointed Members (3)

Rev Sang Y Cha	Church of Scotland
Father Michael Freyne	Roman Catholic Church
Pastor David Fraser	Scottish Baptist Church

Nb. Religious representatives (Appointed Members) only have voting rights on matters relating to the discharge of the authority's function as education authority.





**Clackmannanshire  
Council**

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**THIS PAPER RELATES TO  
ITEM 03(i)  
ON THE AGENDA**

**MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on THURSDAY 9 MARCH 2017 at 10.00 am.**

**PRESENT**

Provost Gary Womersley (In the Chair)  
Councillor Donald Balsillie  
Councillor Janet Cadenhead  
Councillor Alastair Campbell  
Councillor Archie Drummond  
Councillor Kenneth Earle  
Councillor Ellen Forson  
Councillor Irene Hamilton  
Councillor Craig Holden  
Councillor Kathleen Martin  
Councillor George Matchett  
Councillor Walter McAdam  
Councillor Bobby McGill  
Councillor Tina Murphy  
Councillor Les Sharp  
Councillor Jim Stalker  
Councillor Derek Stewart  
Councillor Graham Watt

Rev Sang Y Cha, Religious Representative (Appointed Member) (Items 09-11)

**IN ATTENDANCE**

Elaine McPherson, Chief Executive  
Garry Dallas, Executive Director  
Stephen Coulter, Head of Resources and Governance  
Stuart Crickmar, Head of Strategy and Customer Services  
Celia Gray, Head of Social Services  
Ahsan Khan, Head of Housing and Community Safety  
Gordon McNeil, Head of Development and Environment  
Anne Pearson, Chief Education Officer  
Chris Alliston, HR Service Manager  
Michael Boyle, Business Manager, Education Development  
Ashley MacGregor, Team Leader, Management Accounting  
Andrew Wyse, Acting Legal Services Manager  
Margaret Summers, Committee Services Officer

**CC(17)023 APOLOGIES**

Apologies for absence were received from Father Michael Freyne (Appointed Member) and Pastor David Fraser (Appointed Member).

**CC(17)024 DECLARATIONS OF INTERESTS**

None

**CC(17)025 MINUTES OF MEETING: CLACKMANNANSHIRE COUNCIL**

**(i) Minutes of Meeting held on 9 February 2017**

The minutes of the meeting of the Clackmannanshire Council held on 9 February 2017 were submitted for approval.

**Decision**

The minutes of the meeting of the Clackmannanshire Council held on 9 February 2017 were agreed as a correct record and signed by the Provost.

**(ii) Minutes of Special Meeting held on 23 February 2017**

The minutes of the Special Meeting of the Clackmannanshire Council held on 23 February 2017 were submitted for approval.

**Decision**

The minutes of the Special Meeting of the Clackmannanshire Council held on 23 February 2017 were agreed as a correct record and signed by the Provost.

**CC(17)026 COMMITTEE MEETINGS CONVENED SINCE THE PREVIOUS COUNCIL MEETING ON 9 FEBRUARY 2017**

The Council agreed to note the Committee meetings that had taken place since the last ordinary meeting on 9 February 2017.

- (i) Planning Committee on 24 February 2017
- (ii) Clackmannanshire Licensing Board on 28 February 2017
- (iii) Scrutiny Committee on 2 March 2017

**CC(17)027 COUNCIL POLITICAL ADMINISTRATION**

A report was submitted by the Chief Executive which asked Council to appoint a new political Administration further to the resignation of the Labour Group at the special meeting of the Clackmannanshire Council held on 23 February 2017.

The Provost invited nominations for the following positions:

**(a) Leader of the Council**

That Councillor Les Sharp is nominated as Leader of the Council.

Moved by Councillor Donald Balsillie. Seconded by Councillor Tina Murphy.

**Decision**

The Council agreed to appoint Councillor Les Sharp as Leader of the Council.

**(b) Depute Leader of the Council**

That Councillor Donald Balsillie is nominated as Depute Leader of the Council.

Moved by Councillor Les Sharp. Seconded by Councillor Irene Hamilton.



**Decision**

The Council agreed to appoint Councillor Donald Balsillie as Depute Leader of the Council.

**(c) Depute Provost**

That Councillor Tina Murphy is nominated as Depute Provost.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

**Decision**

The Council agreed to appoint Councillor Tina Murphy as Depute Provost.

**(d) Chair of the Regulatory Committee**

That Councillor Craig Holden is nominated as Chair of the Regulatory Committee.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

**Decision**

The Council agreed to appoint Councillor Craig Holden as Chair of the Regulatory Committee.

**(e) Chair of the Audit and Finance Committee**

That Councillor Archie Drummond is nominated as Chair of the Audit and Finance Committee.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

**Decision**

The Council agreed to appoint Councillor Archie Drummond as Chair of the Audit and Finance Committee.

**(f) Chair of the Scrutiny Committee (From the Main Opposition Group)**

That Councillor Graham Watt is nominated as Chair of the Scrutiny Committee.

Moved by Councillor Kenneth Earle. Seconded by Councillor George Matchett, QPM.

**Decision**

The Council agreed to appoint Councillor Graham Watt as Chair of the Scrutiny Committee.

**(g) Spokesperson for Education**

That Councillor Ellen Forson is nominated as Spokesperson for Education.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

**Decision**

The Council agreed to appoint Councillor Ellen Forson as Spokesperson for Education.

**(h) Spokesperson for Health and Social Work**

That Councillor Les Sharp is nominated as Spokesperson for Health and Social Work.

Moved by Councillor Donald Balsillie. Seconded by Councillor Tina Murphy.

**Decision**

The Council agreed to appoint Councillor Les Sharp as Spokesperson for Health and Social Work.

**(i) Spokesperson for Environment and Housing**

That Councillor Tina Murphy is nominated as Spokesperson for Environment and Housing

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

**Decision**

The Council agreed to appoint Councillor Tina Murphy as Spokesperson for Environment and Housing.

\*\*\*

The Council agreed that the above listed posts will receive senior responsibility allowances.

Subject to the above appointments, the Council agreed to make consequential appointments to the Audit and Finance Committee and the Scrutiny Committee as follows

**Audit and Finance Committee**

- 4 Members from the Administration
- 3 Members from the Main Opposition
- 1 Member from neither the Administration nor the Main Opposition.

**Scrutiny Committee**

- 4 Members from the Main Opposition (includes Councillor Graham Watt as Chair)
- 3 Members from the Administration
- 1 Member from neither the Administration nor the Main Opposition

The Council agreed to note that details of membership of the Audit and Finance Committee and Scrutiny Committee would be provided to the Chief Executive outwith today's meeting.

**Action**

Chief Executive

**CC(17)028 REPRESENTATION ON OUTSIDE BODIES**

A report was submitted by the Chief Executive which asked Council to change its representation on a number of outside bodies in light of the resignation of the Labour Group from the political Administration of the Council.

**Motion**

That Council agrees the proposals in relation to representation on the outside bodies set out in the main table at the Appendix to the report and that the status quo is retained in relation to the 'Other' Outside Bodies in the second table of the Appendix to the report.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

**Decision**

The Council agreed the proposals in relation to representation on the outside bodies set out in the main table at the Appendix to the report and agreed that the status quo is retained in relation to the 'Other' Outside Bodies in the second table of the Appendix to the report.

A list of Administration appointments to the Outside Bodies detailed in the Appendix to be provided to the Chief Executive within the next two days.

**Action**

Chief Executive

**CC(17)029 CHARITABLE TRUSTS**

A report was submitted by the Chief Accountant which sought approval to add Independent Members to the Board of Trustees to the four remaining Charitable Trusts where currently the Council/Council Members are sole trustees.

**Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

**Decision**

The Council agreed:

- (1) The addition of Independent Trust Members as set out in Table 1 (paragraph 3.3) of the report.
- (2) To bear the cost of the Trusts External Audit Fee for the year ending 31 March 2017.

**Action**

Depute Chief Executive

**CC(17)030 CLACKMANNAN REGENERATION PROJECT**

A report was submitted by the Executive Director which updated Council on the progress of the Clackmannan Regeneration Project and sought authority to pursue particular actions to ensure the Scottish Government's Economic Development Fund aware of £2 million is legally committed by 31 March 2017.

**Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Irene Hamilton.

**Decision**

The Council agreed to:

- (a) Enter into a formal development agreement (based on the Heads of Terms at Appendix 4 of the report) with Kingdom Housing Association (KHA) to take forward the redevelopment of the Main Street/North Street site whereby the Council retains ownership

of the ground floor shell business units and KHA takes ownership of the upper floor flatted accommodation for mid-market social rent.

- (b) Note the progress on the Community Enterprise Hub project and that a further report on the project will be brought to Council in due course.
- (c) Note that the verbal update on the award of contracts for both the Main Street/High Street and Port Street/Lochies Road Streetscape Works provided at the Meeting whereby the Executive Director confirmed that at the conclusion of the deadline for tender submissions on 3 March, seven complete tenders had been received; and
- (d) Note the progress in acquiring the Lochies Road Coach/Vehicle Repairs premises and that demolition and clearance will proceed once the businesses have relocated to new premises being constructed at Dumyat Business Park.

**Action**

Executive Director

**CC(17)031 COMMUNITY JUSTICE OUTCOMES IMPROVEMENT PLAN 2017/18**

A report was submitted by the Head of Strategy and Customer Services which presented to Council the Clackmannanshire Community Justice Outcomes Improvement Plan for 2017/18. The plan was developed in line with the new responsibilities for Community Planning Partners set out in the Community Justice (Scotland) Act 2016 and subsequent guidance.

**Motion**

That Council approves the Community Justice Outcomes Improvement Plan for 2017/18.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

**Decision**

The Council agreed to approve the Community Just Outcomes Improvement Plan for 2017/18.

**Action**

Head of Strategy and Customer Services

**CC(17)032 EQUALITIES MAINSTREAM OUTCOMES REPORT 2017/21**

A report was submitted by the Head of Strategy and Customer Services which sought approval for the Equalities Mainstream Outcomes Report for 2017/21 which is required no later than 30 April 2017, The report included information on Council's progress in delivering the Equality Outcomes 2013/17 agreed by Council in 2013 and information on the gender pay gap for employees.

**Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

**Decision**

The Council agreed:

- (1) To note the information provided on progress against the Equality Outcomes 2013/17 and the Gender Pay Gap information for employees.
- (2) To approve a new set of Equality Mainstream Outcomes for 2017/21 as set out in Appendix 1 of the report.

**Action**

Head of Strategy and Customer Services

**C(17)033 PLACING REQUEST – RESERVED PLACES**

A report was submitted by the Chief Education Officer which identified the number of places requiring to be reserved in Clackmannanshire's schools during academic session 2017/18 to ensure there is sufficient provision for children at their local catchment schools. The report provided information on the schools where it is recommended that places be reserved.

**Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Archie Drummond.

**Decision**

The Council agreed unanimously:

- (1) To approve the recommended places to be reserved for catchment area children for session 2017/18 at the following primary schools:
  - Abercromby Primary School
  - Menstrie Primary School
  - Redwell Primary School
  - St Serf's Primary School
  - Sunnyside Primary School
- (2) To delegate authority to the Chief Education Officer to determine allocation of reserved places at specific year stages in each school.

**Action**

Chief Education Officer

Ends 1125 hrs





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**THIS PAPER RELATES TO  
ITEM 03 (ii)  
ON THE AGENDA**

**MINUTES OF SPECIAL MEETING of the CLACKMANNANSHIRE COUNCIL held within  
the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on MONDAY 27  
MARCH 2017 at 10.00 am.**

**PRESENT**

Provost Gary Womersley  
Councillor Donald Balsillie  
Councillor Janet Cadenhead  
Councillor Alastair Campbell  
Councillor Archie Drummond  
Councillor Kenneth Earle  
Councillor Ellen Forson  
Councillor Irene Hamilton  
Councillor Craig Holden  
Councillor George Matchett, QPM  
Councillor Walter McAdam, MBE  
Councillor Bobby McGill  
Councillor Tina Murphy  
Councillor Les Sharp  
Councillor Jim Stalker  
Councillor Derek Stewart  
Councillor Graham Watt

**IN ATTENDANCE**

Nikki Bridle, Depute Chief Executive  
Garry Dallas, Executive Director  
Gordon McNeil, Head of Development and Environment  
Stuart Crickmar, Head of Strategy and Customer Services  
Stephen Coulter, Head of Resources and Governance  
Ahsan Khan, Head of Housing and Community Safety  
Anne Pearson, Chief Education Officer  
Lindsay Sim, Chief Accountant  
Jim Robb, Assistant Head of Social Services (Adult Care)  
Chris Alliston, HR Service Manager  
Andrew Wyse, Acting Legal Services Manager (Clerk to the Council)  
Gillian White, Committee Services Officer

Angus Brown, Audit Scotland (Observer)  
Gordon Smail, Audit Scotland (Observer)

**CC(17)034      APOLOGIES**

Apologies for absence were received from Councillor Kathleen Martin.

**CC(17)035      DECLARATIONS OF INTEREST**

None.

## **CC(17)036 GENERAL SERVICES REVENUE AND CAPITAL BUDGET 2017/18**

The report, submitted by the Depute Chief Executive, presented the Council's General Services Budget for 2017/18. The report aimed to set out a Budget which supported the Council's aim of improving medium-term financial planning and financial sustainability. The report sought approval and provided information on further areas of review and activity which supported the stated aim of improving medium term financial planning and financial sustainability.

The report also built on the regular Budget Strategy Update reports and briefings presented to Council, and the Resources and Audit and Audit and Finance Committees throughout the year. The Council's financial sustainability had also been the focus of several member and trade union briefings held during the year as well as the specific papers on financial sustainability which were presented to Council on the 9<sup>th</sup> February 2017.

As the report included recommendations which would alter or withdraw previous Council decisions taken on 9<sup>th</sup> February 2017, under Standing Orders, no such recommendations could be considered of passed for at least six months from the date of the original decision unless the Provost was satisfied that circumstances had changed in a relevant way.

The Provost had been consulted and confirmed that he was satisfied that circumstances had changed in a relevant way, that being the resignation of the previous political Administration on 23 February 2017 and the appointment of the current administration on 9 March 2017 and that there was a requirement for the new Administration to set a balanced budget which required consequential changes to policy.

### **Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Councillor Archie Drummond.

### **Voting**

In terms of Standing Order 14.8, Councillor Les Sharp asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 17 members present who were eligible to vote. On the roll being called, the members present voted as follows:

#### **For the Motion (9 votes)**

Councillor Les Sharp  
Councillor Donald Balsillie  
Councillor Gary Womersley  
Councillor Archie Drummond  
Councillor Ellen Forson  
Councillor Craig Holden  
Councillor Tina Murphy  
Councillor Irene Hamilton  
Councillor Walter McAdam MBE

#### **Against the Motion (0 votes)**

#### **Abstain from Voting (8 Votes)**

Provost Derek Stewart  
Councillor Bobby McGill  
Councillor Graham Watt  
Councillor George Matchett, QPM  
Councillor Janet Cadenhead  
Councillor Kenneth Earle  
Councillor Jim Stalker  
Councillor Alastair Campbell



The motion was carried by 9 votes to 0 with 8 abstentions.

## **Decision**

Accordingly, on a division of 9 votes to 0 with 8 abstentions, the Council agreed:

- 2.1.1 the overall strategic design for the organisation shown in Exhibit 1 and described in paragraphs 3.7 to 3.25 of the report;
- 2.1.2 to work towards a reduction of at least three chief officer posts within the parameters of the proposed redesign and Council's policies on severance and redundancy;
- 2.1.3 that the Chief Executive commences work to develop detailed options and proposals for the redesign;
- 2.1.4 that following agreement of recommendations 2.1.1 to 2.1.3, the decision of 9 February 2017 to commission externally the organisational review/redesign is withdrawn and that the £354k earmarked for this purpose on 9 February 2017 is released and used to establish a new Organisational Change Fund (paragraph 3.24 of the report);
- 2.1.5 to alter the decision of 9 February 2017 that compulsory redundancy can be used as a last resort and instead amend the Redeployment Policy to allow indefinite redeployment to ensure maximum opportunity for staff displaced as a result of organisational change to find suitable or reasonable alternative positions and to support organisational redesign(paragraph 3.24 of the report);
- 2.1.6 the proposals for demand pressures (Appendix D);
- 2.1.7 the General Services Revenue Budget for 2017/18 (Appendix C) which confirms the additional £2 million Social Work funding, provided on a temporary basis in 2016/17, as core funding from 2017/18 (Paragraph 5.6 of the report);
- 2.1.8 the policy savings set out in Appendix F, as additionally explained in Appendices J and K of the report;
- 2.1.9 the 2017/18 Schedule of Funding to Voluntary Organisations (Appendix K);
- 2.1.10 managed contraction in the cost of employment as set out in Appendix H;
- 2.1.11 the utilisation of £2.074m of Capital Receipts Reserve and £1.457m uncommitted General Services Revenue reserves (paragraphs 6.9 and 6.10 of the report respectively);
- 2.1.12 the rent increase of 2.3% to the weekly rent for the travelling persons site (paragraph 6.4 of the report);
- 2.1.13 the continued utilisation of capital receipts to fund permitted elements of severance costs per Finance Circular 4/2015 (paragraph 6.12 of the report);
- 2.1.14 the transfer of £0.250m from uncommitted revenue reserves to the Employment Fund bringing the Employment Fund Balance to £4.222m (paragraph 6.11 of the report);
- 2.1.15 the net resource transfer of £15.341m in respect of Adult Social Care to the Clackmannanshire/Stirling Health and Social Care Partnership (Appendix M);
- 2.1.16 the financing limits placed on capital investment for 2017/18-2021/22 based on the underpinning assumptions in Table 5 and paragraph 8.9 of the report; and
- 2.1.17 the General Services Capital Budget for 2017-2022 (Appendix O).

**to note:**

- 2.2.1 that the new organisational design would offer potential annual equivalent revenue savings in senior management of circa £280k based on a reduction of three chief officers and circa £370k based on a reduction of four (paragraph 3.21 of the report);
- 2.2.2 that further reports will come to Council with proposals to progress the organisational redesign, including details of Programme oversight by Council;
- 2.2.3 the additional Priority themes for review, redesign and/or business case development which will be taken forward during 2017/18 (Appendix B);
- 2.2.4 the feedback from recent budget consultation and engagement activity detailed in section 4
- 2.2.5 that the Budget includes the 3% increase in the level of Council Tax for 2017/18, resulting in Band D Council tax of £1,182 agreed by Council on 23 February 2017 (paragraph 5.3 of the report);
- 2.2.6 the 2017/18 Council Tax charges, set in proportion to Band D of £1,182 (Appendix N);
- 2.2.7 the previously approved savings (2016/17) which deliver benefit in 2017/18 (Appendix E);
- 2.2.8 the schedule of management efficiencies (Appendix G);
- 2.2.9 the anticipated level of uncommitted reserves of £5.940m by 31 March 2017, prior to setting this budget (paragraph 6.6 of the report);
- 2.2.10 the anticipated level of General Services uncommitted reserves of £4.483m (3.6%) prior to allocating additional funding to the Employment Fund (paragraph 6.10 of the report);
- 2.2.11 that the full anticipated year end balance of the Capital Receipts Reserve has been applied in setting the 2017/18 Budget (paragraph 6.9 of the report);
- 2.2.11a balance of £4.233m in uncommitted General Services Revenue reserves after making a contribution of £0.250m to the Employment Fund, which exceeds the minimum level by £0.5m (paragraph 6.11 of the report);
- 2.2.12 the cumulative indicative gap of £28.6m to 2021 following setting this budget, and a funding gap of £13.7m in 2018/19 (Table 4);
- 2.2.13 that the budget proposed for 2017/18 aims to deliver the Scottish Government's settlement package measures (paragraph 6.15 and 6.16 of the report); and
- 2.2.14 that the Council's regular Budget Strategy Update reports will update Council on progress with implementing agreed proposals, including those relating to the managed contraction in staffing (paragraphs 3.6 and 6.3 for the report).

**Action**

Depute Chief Executive

**CC(17)037      TREASURY MANAGEMENT STRATEGY STATEMENT 2017/18 AND  
PRUDENTIAL INDICATORS 2017/18 TO 2021/22**

The report, submitted by the Chief Accountant, presented the Council's Treasury Management Strategy Statement for 2017/18 and Prudential Indicators for 2017/18 to 2021/22.

**Motion**

That Council agrees the recommendations set out in the report.

Moved by Councillor Les Sharp. Seconded by Councillor Donald Balsillie.

**Decision**

The Council agreed to approve the Treasury Management Strategy Statement for 2017/18 and Prudential Indicators for the years 2017/18 to 2021/22 in compliance with the Prudential Code requirements attached as Appendix A to the report.

Ends 12:00 noon





**MINUTES OF SPECIAL MEETING of the CLACKMANNANSHIRE COUNCIL held within  
the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on MONDAY 27  
MARCH 2017 at 12.30 PM.**

**PRESENT**

Provost Gary Womersley  
Councillor Donald Balsillie  
Councillor Janet Cadenhead  
Councillor Alastair Campbell  
Councillor Archie Drummond  
Councillor Kenneth Earle  
Councillor Ellen Forson  
Councillor Irene Hamilton  
Councillor Craig Holden  
Councillor Walter McAdam, MBE  
Councillor Bobby McGill  
Councillor Tina Murphy  
Councillor Les Sharp  
Councillor Jim Stalker  
Councillor Graham Watt

**IN ATTENDANCE**

Nikki Bridle, Depute Chief Executive  
Garry Dallas, Executive Director  
Stephen Coulter, Head of Resources and Governance  
Ahsan Khan, Head of Housing and Community Safety  
Lindsay Sim, Chief Accountant  
Andrew Wyse, Acting Legal Services Manager  
Stuart McQueen, Solicitor, Legal Services (Clerk to the Council)  
Gillian White, Committee Services Officer

Gordon Smail, Audit Scotland (Observer)

**CC(17)038 APOLOGIES**

Apologies for absence were received from Councillor Kathleen Martin, Councillor Derek Stewart and Councillor George Matchett QPM.

**CC(17)039 DECLARATIONS OF INTEREST**

None.

**EXEMPT INFORMATION**

The Council resolved in terms of Section 50(A) of the Local Government (Scotland) Act 1973 that the press and public be excluded from the meeting during consideration of the following item of business on the ground that it involved the likely disclosure of Exempt Information as detailed in Schedule 7A, Part 1, Paragraph 12.

## **CC(17)040      ARBITRATION PYRAMID JOINERY AND CONSTRUCTION**

The report, submitted by the Head of Resources and Governance, informed Council of the outcome of the arbitration raised by Pyramid Joinery and Construction Limited against Clackmannanshire Council and sought Council approval for the settlement of the sum awarded by the Arbitrator.

The Head of Resources and Governance introduced the report and provided additional detail of the history and circumstances surrounding the arbitration and the matters leading to it. He also reported upon external legal advice obtained subsequent to issue of the report and the effect that had on the content of the report.

There followed a robust question and answer session between Members and Officers.

The Provost, being aware that not all Members had a copy of the external legal advice asked officers to circulate a copy to all members along with a copy of the original question asked. The Provost also advised that as there is no express provision in Standing Orders for officers to make an amendment to the report and that the report as submitted could not be moved and seconded, as to do so would be ultra vires; the Council would adjourn to consider the available options.

The Provost adjourned the meeting for 15 minutes at this point in the proceedings (2.05 pm).  
*(The Provost, outwith the meeting, added a further 10 minutes to the adjournment)*

Councillor Jim Stalker, Councillor Archie Drummond, Councillor Walter McAdam and Councillor Alastair Campbell withdrew from the meeting during the adjournment.

When the meeting resumed at 2.30 pm, eleven (11) members remained present.

Councillor Les Sharp indicated he would move the report subject to two amendments being incorporated into the motion, one of which had been timeously submitted and circulated in accordance with Standing Orders.

The Clerk advised that as there is no specific provision in Standing Orders for what was then being proposed under Standing Order 10.6, the Provost may determine all questions of procedure where no specific provision is made.

The Provost confirmed that Councillor Sharp could move the report subject to the amendments being incorporated.

### **Motion**

That Council agrees the recommendations set out in the report subject to the undernoted amendments:

That Council agrees to amend recommendation 2.2 with:

“Council agrees to approve the payment from the Council General Fund.”

And

The Council agrees to insert recommendation 2.3:

“Council requests an investigation into the circumstances and events resulting in the outcomes described in this paper, the scope and remit to be brought back to the next Council Meeting on 13<sup>th</sup> April 2017.”

Moved by Councillor Les Sharp. Seconded by Councillor Graham Watt.

**Decision**

The Council agreed the recommendations set out in the report subject to the amendment that the payment be made from the General Fund; and also that an investigation be undertaken into the circumstances and events resulting in the outcomes described in this paper, the scope and remit to be brought back to the next Council Meeting on 13<sup>th</sup> April 2017

**Action**

Head of Resources and Governance

Ends 2.50 pm





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**Report to: Clackmannanshire Council**

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**Date: 13 April, 2017**

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**Subject: Committee Recommendations Referred to Council**

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**Report by: Chief Executive**

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## **1.0 Purpose**

- 1.1 The purpose of this report is to seek Council approval of a recommendation which has been made by the Audit and Finance Committee on 16 March, 2017.
- 1.2 Under the Council's decision-making framework, Council has delegated certain matters to committees and has reserved certain powers. Included in the latter are the approval of main policies and strategies (Scheme of Delegation 3.2), the approval of budgets (Scheme of Delegation 3.19) and the spending of money not budgeted for (Scheme of Delegation 3.20).
- 1.3 Standing Order 8.4 requires that where a Committee passes a report to Council, the full Committee report shall not be included again on the Council agenda and that officers should prepare a brief report that refers to the relevant Committee report and recommendation(s).

## **2.0 Recommendations**

- 2.1 It is recommended that Council:
  1. from the **Audit and Finance Committee of 16 March, 2017** in relation to the report entitled "*Internal Audit Plan*"
    - Approves the planned Internal Audit coverage for 2017/18.
- 2.2 The minute and report relating to this item are available on the Members' Portal.

## **3.0 Sustainability Implications**

NA

## **4.0 Resource Implications**

- 4.1. The financial implications of this are referred in the source Committee report.
- 4.2. *Staffing Implications*

There is no impact on the Council's establishment

## 5.0 Declarations

5.1 The recommendation contained within this report support or implement our Corporate Priorities and Council Policies.

### (1) Our Priorities

Our communities are more cohesive and inclusive  
Vulnerable people and families are supported  
The Council is effective, efficient and recognised for excellence

(2) **Council Policies** (Please detail) N/A

## 6.0 Equalities Impact

6.1 N/A

## 7.0 Legality

7.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

## 8.0 Appendices

8.1 None

## 9.0 Background Papers

a) Agenda, together with Minute of the Audit and Finance Committee of 16 March, 2017.

### Author(s)

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Chief Executive	Signed: E McPherson